

AMENDED IN SENATE APRIL 13, 2004

**SENATE BILL**

**No. 1210**

**Introduced by Senator Torlakson**  
**(Coauthor: Senator Ducheny)**

February 10, 2004

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~~An act to amend Sections 217, 217.2, 217.4, and 217.6 of the Streets~~  
*An act to amend Section 217 of, and to add and repeal Sections 217.7,*  
*217.8, and 217.9 to, the Streets and Highways Code, relating to*  
*highways.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1210, as amended, Torlakson. Highways: design-sequencing contracts.

Existing law authorizes the Department of Transportation until January 1, 2005, to conduct a pilot project to let design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation.

~~This bill would extend the operation of this~~ *establish a phase 2 of this*  
~~pilot project to that would be in effect until January 1, 2007, and would~~  
~~increase the number of transportation projects to not more than 15~~ *2010.*  
The bill would require the director to ~~designate as a top priority those~~  
*consider selecting* projects that improve interregional and intercounty routes. ~~The bill would authorize the department to designate specified~~  
~~local entities to oversee design-sequencing contracts for highways,~~  
~~tunnels, or bridges.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 217 of the Streets and Highways Code is amended to read:

217. The following definitions apply for the purposes of this article:

(a) “Design” is a plan completed to a level of 30 percent.

(b) “Design-sequencing” is a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction.

(c) A “design-sequencing contract” is a contract between the department and a contractor that requires the department to prepare a design and permits construction of a project to commence upon completion of design for a construction phase.

(d) This section shall remain in effect only until January 1, 2007 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007 2010, deletes or extends that date.

~~SEC. 2. Section 217.2 of the Streets and Highways Code is amended to read:~~

~~217.2. (a) Notwithstanding Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code, except Section 10128 of that code, and Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, the department may conduct a pilot program to let design-sequencing contracts for the design and construction of not more than 15 transportation projects, to be selected by the director. For the purpose of this article, these projects shall be deemed public works.~~

~~(b) In selecting projects for the pilot program authorized under subdivision (a), the director shall attempt to balance geographical areas among test projects as well as pursue diversity in the types of projects undertaken. In this process, the director shall designate as a top priority, those projects that improve interregional and intercounty routes.~~

~~(c) To the extent available, the department shall seek to incorporate existing knowledge and experience on~~

1 ~~design-sequencing contracts in carrying out its responsibilities~~  
2 ~~under subdivision (a).~~

3 ~~(d) The department may designate a county congestion~~  
4 ~~management agency or a county transportation authority as the~~  
5 ~~lead agency to oversee design-sequencing contracts for highways,~~  
6 ~~tunnels, or bridges.~~

7 ~~(e) This section shall remain in effect only until January 1,~~  
8 ~~2007, and as of that date is repealed, unless a later enacted statute,~~  
9 ~~that is enacted before January 1, 2007, deletes or extends that date.~~

10 ~~SEC. 3. Section 217.4 of the Streets and Highways Code is~~  
11 ~~amended to read:~~

12 ~~217.4. (a) Not later than July 1 of each year for which the~~  
13 ~~design-sequencing contracts are underway, the department shall~~  
14 ~~prepare a status report on its contracting methods, procedures,~~  
15 ~~costs, and delivery schedules. Upon completion of all~~  
16 ~~design-sequencing contracts, the department shall establish a peer~~  
17 ~~review committee to prepare a report for submittal to the~~  
18 ~~Legislature that describes and evaluates the outcome of the~~  
19 ~~contracts provided for in this article, stating the positive and~~  
20 ~~negative aspects of using design-sequencing as a contracting~~  
21 ~~method.~~

22 ~~(b) This section shall remain in effect only until January 1,~~  
23 ~~2007, and as of that date is repealed, unless a later enacted statute,~~  
24 ~~that is enacted before January 1, 2007, deletes or extends that date.~~

25 ~~SEC. 4. Section 217.6 of the Streets and Highways Code is~~  
26 ~~amended to read:~~

27 ~~217.6. Design-sequencing contracts shall be awarded in~~  
28 ~~accordance with all of the following:~~

29 ~~(a) The department shall advertise design-sequencing projects~~  
30 ~~by special public notice to contractors.~~

31 ~~(b) Contractors shall be required to provide prequalification~~  
32 ~~information establishing appropriate licensure and successful past~~  
33 ~~experience with the proposed work.~~

34 ~~(c) This section shall remain in effect only until January 1,~~  
35 ~~2007, and as of that date is repealed, unless a later enacted statute,~~  
36 ~~that is enacted before January 1, 2007, deletes or extends that date.~~  
37

38 *SEC. 2. Section 217.7 is added to the Streets and Highways*  
39 *Code, to read:*

1 217.7. (a) Notwithstanding Chapter 1 (commencing with  
2 Section 10100) of Part 2 of Division 2 of the Public Contract Code,  
3 except Section 10128 of that code, and Chapter 10 (commencing  
4 with Section 4525) of Division 5 of Title 1 of the Government Code,  
5 the department may conduct a phase two pilot program to let  
6 design-sequencing contracts for the design and construction of not  
7 more than 12 transportation projects, to be selected by the director.  
8 For the purpose of this article, these projects shall be deemed  
9 public works.

10 (b) In selecting projects for the pilot program authorized under  
11 subdivision (a), the director shall attempt to balance geographical  
12 areas among test projects as well as pursue diversity in the types  
13 of projects undertaken. In this process, the director shall consider  
14 selecting projects that improve interregional and intercounty  
15 routes.

16 (c) To the extent available, the department shall seek to  
17 incorporate existing knowledge and experience on  
18 design-sequencing contracts in carrying out its responsibilities  
19 under subdivision (a).

20 (d) This section shall remain in effect only until January 1,  
21 2010, and as of that date is repealed, unless a later enacted statute,  
22 that is enacted before January 1, 2010, deletes or extends that date.

23 SEC. 3. Section 217.8 is added to the Streets and Highways  
24 Code, to read:

25 217.8. (a) Not later than July 1, 2006, and July 1 of each  
26 subsequent year during which a contract under the phase two pilot  
27 program, as described in Section 217.7, is in effect, the department  
28 shall prepare a status report on its contracting methods,  
29 procedures, costs, and delivery schedules. Upon completion of all  
30 design-sequencing contracts, but in no event later than January 1,  
31 2010, the department shall establish a peer review committee to  
32 prepare a report for submittal to the Legislature that describes and  
33 evaluates the outcome of the contracts provided for in Section  
34 217.7, stating the positive and negative aspects of using  
35 design-sequencing as a contracting method.

36 (b) This section shall remain in effect only until January 1,  
37 2010, and as of that date is repealed, unless a later enacted statute,  
38 that is enacted before January 1, 2010, deletes or extends that date.

39 SEC. 4. Section 217.9 is added to the Streets and Highways  
40 Code, to read:

1     217.9. *Design-sequencing contracts under the phase two pilot*  
2 *program, as described in Section 217.7, shall be awarded in*  
3 *accordance with all of the following:*

4     (a) *The department shall advertise design-sequencing projects*  
5 *by special public notice to contractors.*

6     (b) *Contractors shall be required to provide prequalification*  
7 *information establishing appropriate licensure and successful*  
8 *past experience with the proposed work.*

9     (c) *This section shall remain in effect only until January 1,*  
10 *2010, and as of that date is repealed, unless a later enacted statute,*  
11 *that is enacted before January 1, 2010, deletes or extends that date.*

